IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

AMERICAN WASTE MANAGEMENT AND RECYCLING, LLC. Plaintiff, v. **CEMEX PUERTO RICO; CANOPY ECOTERRA CORP.; XYZ INSURANCE COMPANIES.** Defendants.	CIVIL NO.: 07- 1658 (JAF) BREACH OF CONTRACT; COLLECTION OF MONIES; and DAMAGES. JURY TRIAL DEMANDED

MOTION IN OPPOSITION TO CEMEX'S
MOTION FOR EXTENSION OF TIME TO ANSWER

TO THE HONORABLE COURT:

NOW APPEARS Plaintiff **AMERICAN WASTE MANAGEMENT AND RECYCLING**, **LLC,** (hereinafter, "AWMR") and through the undersigned attorneys, respectfully **STATES, ALLEGES** and **REQUESTS** as follows:

Today, co-Defendant CEMEX filed a motion seeking a thirty (30) day extension of time to file its answer or otherwise plead, alleging that it was justified due to the "extensive"nature of the pleadings (docket No. 18) . For the reasons espoused herein, Plaintiff opposes this request.

First, it is important to remember that during the hearing held on August 10, the Court indicated its willingness to put this case on a sixty (60) day fast track, *and CEMEX voiced no opposition to that request at that time*. CEMEX further alleges that it wishes to resolve this issue expeditiously yet asks for a thirty day extension, and states that it is "reasonable" and will not

Dockets.Justia.com

delay proceedings. This request for a thirty day extension is therefore spurious at best and cannot be justified in light of an opposition that was never voiced to the Court. If CEMEX opposed the fast-track, it should have stated so to the Court during the hearing. Instead, with its silence, it has indicated its acquiescence to that time-table.

Second, CEMEX further justifies its petition for an extension alleging that if the Court grants co-Defendant Ecoterra's Motion to Dismiss, CEMEX would have no need to answer the Complaint. Plaintiff very respectfully informs the Court that co-Defendant Ecoterra's motion is without merit and the reasoning given therein and law it cites in support of its arguments is incomplete does not warrant dismissal of this case. Plaintiff respectfully informs the Court that will be filing its opposition to co-Defendant Ecoterra's motion to dismiss within the time allotted by the Local Rules, in order to fully brief the Court regarding this issue.

WHEREFORE, AWMR respectfully requests that the Court **DENY** CEMEX's motion for extension of time to answer the Complaint, and that it issue any further relief it deem just and proper under the law.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 29th day of August, 2007.

INDIANO & WILLIAMS, P.S.C.
207 del Parque Street
Third Floor
San Juan, Puerto Rico 00912
Tel.: (787) 641-4545 / FAX: (787) 641-4544

By: s/ Jeffrey M. Williams
JEFFREY M. WILLIAMS
U.S.D.C.P.R. Bar No. 202414
jeffrey.williams@indianowilliams.com

By: s/ Ada Sofia Esteves
ADA SOFIA ESTEVES
USDC PR Bar No. 216910
sofia.esteves@indianowilliams.com